

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THOSE CHARACTERS FROM CLEVELAND,
LLC,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON
SCHEDULE A HERETO,

Defendants.

Case No.: 21-cv-6034

Judge Virginia M. Kendall

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on THOSE CHARACTERS FROM CLEVELAND, LLC's Motion for a Preliminary Injunction, and this Court having considered the evidence before it hereby GRANTS Plaintiff's Motion for Entry of a Preliminary Injunction in its entirety against the Defendants identified in Schedule A attached hereto (collectively, the "Defendants").

THIS COURT HEREBY FINDS that it has personal jurisdiction over the Defendants since the Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial, interactive Internet Stores through which Illinois residents can purchase products bearing infringing and/or counterfeit versions of Plaintiff's CARE BEARS Trademarks and Copyrights (the "CARE BEARS Products").

THIS COURT FURTHER FINDS that injunctive relief previously granted in the Temporary Restraining Order ("TRO") should remain in place through the pendency of this

litigation and that issuing this Preliminary Injunction is warranted under Federal Rule of Civil Procedure 65. Evidence submitted in support of this Motion and in support of Plaintiff's previously granted Motion for a Temporary Restraining Order establishes that Plaintiff has a likelihood of success on the merits; that no remedy at law exists; and that Plaintiff will suffer irreparable harm if the injunction is not granted.

Specifically, Plaintiff has made a *prima facie* showing of trademark infringement because (1) the CARE BEARS Trademarks and Copyrights are distinctive marks and registered with the U.S. Patent and Trademark Office on the Principal Register as U.S. Trademark Registration 4,7875,19; 5,8749,43; 3,336,078; 4,602,800; 1,270,509; 1,773,296; 3,767,824; 1,773,296; 1,294,343 and 1,780,477 and copyrighted artwork protected by U.S. Copyright Reg. Nos. VA 1-824-810 and VA 1-982-408 (the "CARE BEARS Trademarks and Copyrights"), (2) Defendants are not licensed or authorized to use the CARE BEARS Trademarks and Copyrights, and (3) Defendants' use of the CARE BEARS Trademarks and Copyrights are causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with THOSE CHARACTERS FROM CLEVELAND, LLC. Furthermore, Defendants' continued and unauthorized use of the CARE BEARS Trademarks and Copyrights irreparably harms Plaintiff through diminished goodwill and brand confidence, damage to Plaintiff's reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, Plaintiff has an inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants' actions.

Accordingly, this Court ORDERS that:

1. Defendants, their officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under or in active concert with them be enjoined and restrained from:

- a. using Plaintiff's CARE BEARS Trademarks and Copyrights or any confusingly similar reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine CARE BEARS Product or is not authorized by Plaintiff to be sold in connection with Plaintiff's CARE BEARS Trademarks and Copyrights;
- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine CARE BEARS Product or other product produced by Plaintiff, that is not Plaintiff's or is not produced under the authorization, control or supervision of Plaintiff and approved by Plaintiff for sale under Plaintiff's CARE BEARS Trademarks and Copyrights;
- c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
- d. further infringing Plaintiff's CARE BEARS Trademarks and Copyrights and damaging Plaintiff's goodwill;
- e. shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for sale, and which bear Plaintiff's CARE BEARS Trademarks and Copyrights or any confusingly similar reproductions, counterfeit copies or colorable imitations thereof;

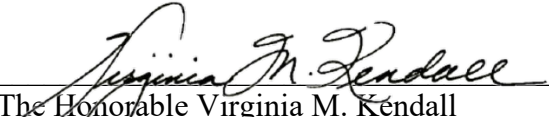
- f. using, linking to, transferring, selling, exercising control over, or otherwise owning the Online Marketplace Accounts, the Defendant Domain Names, or any other domain name or online marketplace account that is being used to sell Counterfeit CARE BEARS Products; and
 - g. operating and/or hosting websites at the Defendant Domain Names and any other domain names registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing Plaintiff's CARE BEARS Trademarks and Copyrights or any confusingly similar reproductions, counterfeit copies, or colorable imitations thereof that is not a genuine CARE BEARS Product or is not authorized by Plaintiff to be sold in connection with Plaintiff's CARE BEARS Trademarks and Copyrights.
- 2. Each Defendant, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiff a written report under oath providing: (a) their true name and physical address, (b) all websites and online marketplace accounts on any platform that it owns and/or operates (c) their financial accounts, including all Amazon accounts, and (d) the steps taken by that Defendant to comply with paragraph 1, a through g, above.
- 3. The domain name registries for the Defendant Domain Names, including, but not limited to, Amazon.com ("Amazon"), VeriSign, Inc., Neustar, Inc., Afilias Limited, CentralNic, Nominet, and the Public Interest Registry, within three (3) business days of receipt of this Order or prior to expiration of this Order, whichever date shall occur first, shall, at Plaintiff's choosing:

- a. unlock and change the registrar of record for the Defendant Domain Names to a registrar of Plaintiff's selection until further ordered by this Court, and the domain name registrars shall take any steps necessary to transfer the Defendant Domain Names to a registrar of Plaintiff's selection until further ordered by this Court; or
 - b. disable the Defendant Domain Names and make them inactive and untransferable until further ordered by this Court.
4. Those in privity with Defendants and with actual notice of this Order, including any online marketplaces such as iOffer, Amazon, social media platforms, Facebook, YouTube, LinkedIn, Twitter, Internet search engines such as Google, Bing and Yahoo, web hosts for the Defendant Domain Names, and domain name registrars, shall within three (3) business days of receipt of this Order:
 - a. disable and cease providing services for any accounts through which Defendants engage in the sale of counterfeit and infringing goods using the CARE BEARS Trademarks and Copyrights, including any accounts associated with the Defendants listed in Schedule A;
 - b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the CARE BEARS Trademarks and Copyrights; and
 - c. take all steps necessary to prevent links to the Defendant Domain Names identified in Schedule A from displaying in search results. This includes, but is not limited to, removing links to the Defendant Domain Names from any search index.

6. Defendants and any persons in active concert or participation with them who have actual notice of this Order shall be restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
7. Amazon shall, within five (5) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites:
 - a. Locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any Amazon accounts connected to the information listed in Schedule A hereto; and
 - b. Restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
8. Plaintiff may provide notice of these proceedings to Defendants, including notice of any future hearings and service of process pursuant to Fed.R.Civ.P. 4(f)(3), by electronically publishing a link to the Complaint, this Order and other relevant documents on a website to which the Defendant Domain Names are transferred to Plaintiff's control will redirect, or by sending an e-mail to the e-mail addresses identified in Schedule A hereto; and any e-mail addresses provided for Defendants by third parties accompanied by a link to the website where the above-identified documents are located. The combination of providing notice via electronic publication or e-mail, along with any notice that Defendants receive from domain name registrars and payment processors, shall constitute notice reasonably calculated under all circumstances to apprise Defendants of the pendency of the action and afford them the opportunity to present their objections.
9. Plaintiff's Schedule A to the Complaint and the TRO is unsealed.

10. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to Plaintiff or on shorter notice as set by this Court.

Dated: December 21, 2021



The Honorable Virginia M. Kendall
U.S. District Judge

SCHEDULE A

No.	Defendant Name / Alias
1	dhtkmy8o
2	Empty World CYAN
3	guangzhouyunshen gshangmaoyouxiangongsi
4	LiuWeiPingsfd
5	nhadv
6	ShanDongShengLianJianCaiJingMaoYouXianGongSi
7	Weinizhongqing
8	zhuxingyu summer
9	AAA stone AAA
10	Aleven
11	Alva MingNan
12	ArthurDCahoon
13	Arturo Erickson
14	AuchSo.
15	cai zhenyang
16	CakJuice
17	cdgryr
18	chen shaohui
19	ChongYangXianQiMeiBaiHuoDian-XieQi
20	CHROMAX
21	chuxiongguangdahengyeshangmaoyouxiangongsi
22	chuxionghongrunfangdichankaiyfayouxiangongsi
23	Classic Moment Gift Shirt
24	COFFEEcaterpillar
25	communica Summer
26	cooper guncheon
27	cspossy2
28	cunzaide
29	damingxianyunxingbaofeiqichehuishouyouxiangongsi
30	dfgrgdegt
31	dinglianger
32	Dockedry
33	Dongda Funny
34	Dora Martha
35	dtfewqr
36	duanbaogq
37	Edge Yard
38	Edmundy

39	ENYHomie
40	Erica Tenezaca
41	Erik Holmbjork
42	FancyMug US
43	fdbhfgbvfsdgvbf
44	fdstet
45	FeiPengArt
46	Fu_art_2022
47	fuhuazahuapu
48	Funermei
49	FunnyMug stores
50	FXZLMY
51	Galatea66
52	GANCG
53	gggjhn
54	Girlyard-US
55	Glenn Freeman
56	goodwellgif
57	GOUGESS(8-14 days delivery)
58	GuangZhouLiHuiWangLuoKeJiYouXianGongSi
59	guangzhouqinggengshangmaoyouxiangongsi
60	guangzhousayeshuoshangmaoyouxiangongsi
61	GuangZhouZiDongMinShangMaoYouXianGongSi
62	GuiZhouJieLanaoYiuXianGongSi
63	Hamiltion Direct
64	hangzhoulin
65	hankaishangmaoyouxiangongsi
66	hanwenhasa US
67	Harvey Michael
68	hdyaod2020(US Shipping 7-15 Days)
69	HeBeiGuWeiXinCaiLiaoYouXianGongSi
70	hefuming198
71	hellokano
72	HIBEOULEB
73	huanyuzhou2342
74	HubenN(5-9 days delivery)
75	HuZhaoLongXiaoChiDian
76	HXSYuSh
77	iplus

78	Jerald L Howell
79	Jerryan NZR CYAN
80	jieyike
81	jiujiangrupowu dianzishangwuyouxiangongsi
82	JLGDANEC
83	JORDAN TURNBULL
84	JulioAErickson
85	Kelly R Vincent
86	Kietlacvnstore
87	kunkuna
88	Lai yun
89	laizhiqiang3232
90	LANFLY
91	Leazone
92	LENALE
93	Leo Katha
94	liangqibo
95	LiJuanShouJiJingYingDian
96	Lucky100%
97	luckyschool
98	LUJIAZ
99	Lusad
100	Lxyh
101	MachinerQ
102	MaoMingDieDieJiaoYuGuanLiYouXianGongSi
103	MaryKDoe
104	Maxine J Berkey
105	Miagon-US
106	Miamimarketer
107	MrMint
108	Myzly
109	Naewtae16
110	natprokt
111	NGBVS(5-10daysdelivery)
112	ngdasufsdg
113	nijiuzheme
114	nuanyangshangmao1
115	onelke
116	ornell Anton

117	PAPAPI
118	Phenix Color
119	POPstore
120	PPL88
121	PPMEI
122	primelsuper
123	Prune Fra
124	putians hitianxinjinmao yiyouxiangongsi
125	putshiyezhengdianzishangwuyouxiangongsi
126	QingBaiJiangLinLeiBinRiYongPinJingYingBu
127	qinyangshiliuyan
128	QIUHUAXIANG
129	rainyseason
130	Ren Na
131	ReneeELon
132	ROCK BIG WORLD
133	RoHS MUG
134	Romanter
135	Ruby R Yazzie
136	runanxianchenxingshangmaoyouxiangongsi
137	SanWeiDa
138	sanya tang mucanyindian
139	Shandy Crook
140	shanxixinyuetaijianzhugongchengyouxiangongsi
141	shenkouyu
142	shenzhenU
143	ShiJiaZhuangShiChangAnQuBingHanXiangBaoPiFaBu
144	shuichuan
145	S-huker
146	shzfan
147	Smile World
148	SQLANM(5-12 days delivery)
149	stahhnn
150	Starry sky garden
151	STSQF
152	SudaSMILE
153	suhongliang
154	SWKSS Case
155	SZSDIBO(5-9days delivery)

156	Taihui
157	TAIMEEI
158	Tangjunbin20200616
159	tanqin rong
160	TEJINGSI
161	Tharger-us
162	Timothy Wayne Roberts
163	TOACYLC
164	TRANGCHELTEECO
165	TUTULIAO(7-12days delivery)
166	WENLINGSMI(8-12days delivery)
167	WolfJoshuboy
168	WOSHIDASHUAIGE
169	WUXLONG
170	WYLIN
171	WZGKOS11
172	XiaMateTT(8-14days delivery)
173	Xianbhhfu
174	xiankom
175	Xing Jia
176	Xingsheng63
177	yanlingOP
178	YCHCCS
179	Yerings
180	yicanyinguanliyouxiangongsi
181	YiCTe
182	YiwuLe
183	YONGAJAec(8-14days delivery)
184	yongzhou depusizhinengkejiyouxiangongsi
185	You are April of the world
186	Yu hua
187	YuanJinxi2020
188	YuFeng_Art_Inn
189	zairuikeji
190	zhangjingchun
191	zhansf
192	Zhi Nü
193	ZHIXINGTUT
194	zhoukouchungangbaihuoyouxiangongsi

195	zhoukoush inianchunshangmaoyouxiangongsi
196	zhoukoushiqisheshangmaoyouxiangongsi
197	zxmymx